



05-16-07

DAG  
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PTO/SB/64 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

PA-00422US1

First named inventor: Carrier

Application No.: 10/517,332

Art Unit: Unknown

Filed: 05/15/2007

Examiner: Unknown

Title: ELECTRICAL TREATMENT FOR OIL BASED  
DRILLING OR COMPLETION FLUIDS

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

 Small entity fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Decision on Petition Under 37 CFR 1.47(a) (identify type of reply):

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

05/16/2007 TBESXAN1 00000076 133002 1051 332

B. The issue fee and publication fee (if applicable) of \$ 01 FD:1453 1500.00 DA  
 has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

May 15, 2007

Date

Kimberly D. Ballew

52,822

Typed or printed name

Registration Number, if applicable

(Customer No. 26723) M-I L.L.C.

(281) 561-1454

Address

Telephone Number

5950 North Course Drive, Houston, Texas 77072, U.S.A.

Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

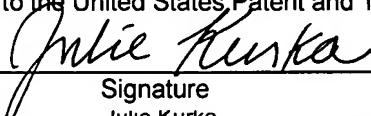
I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

05/15/2007

Date



Signature

Julie Kurka

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Carrier et al.

Serial No.: 10/517,332

International Application No. PCT/GB04/02863

International Filing Date: July 2, 2004

For: ELECTRICAL TREATMENT FOR OIL  
BASED DRILLING OR COMPLETION  
FLUIDS

Priority Date: August 12, 2003

Confirmation No.: 4243

Examiner: Unknown

Atty. Dkt. No.: PA-00422US1

**CERTIFICATE OF MAILING BY EXPRESS MAIL (37 CFR 1.10)**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10 with sufficient postage in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Express Mail Number: EV 906277967 US  
Date of Mailing: May 15, 2007

*Julie Kurka*  
Julie Kurka

Julie Kurka

**PETITION UNDER 37 C.F.R. § 1.47(a) FOR ACCEPTANCE OF APPLICATION  
WHERE INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The above-captioned patent application was filed with the USPTO on December 9, 2004, under 35 U.S.C. 371. On June 7, 2005, the undersigned received a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), indicating an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

Despite diligent effort on behalf of the undersigned, Applicants have not been able to obtain a signature on the declaration for one of the joint inventors, Dr. Michelle Bridget Carrier.

In accordance with 37 CFR 1.47(a), Applicants provide proof of attempts at reaching Dr. Carrier for signature as well as background information relating to the subject application:

- (1) The joint inventor of the above-captioned application, Dr. Carrier, was an employee of Schlumberger Cambridge Research Limited at the time the invention was conceived. Dr. Carrier was involved with and cooperated in the preparation of the parent to this application. That parent application is PCT/GB04/02863 filed on July 2, 2004, which claims priority to GB0318840.6 filed on August 12, 2003.
- (2) After filing of the parent application, Dr. Carrier left the employment of Schlumberger Cambridge Research Limited (hereinafter "SCRL").
- (3) M-I L.L.C. and SCRL are parties to a Research Agreement, the result of which provides for the assignment of this application to M-I L.L.C. The Research Agreement Between M-I L.L.C. and Schlumberger Cambridge Research Limited (hereinafter, the "Research Agreement") is attached as Exhibit 2. A redacted copy of the Research Agreement is provided. In the event that the Office of Petitions requires a non-redacted copy, such copy will be provided by petitioner in accordance with the method described under 724.02 of the Manual of Patent Examining Procedure.
- (4) Leah Bardin was employed as a patent paralegal at M-I L.L.C. during the time the current application was filed with the USPTO. Attached as Exhibit 3 (with Exhibits A-E) is the Declaration of Leah Bardin in Support of Petition Under 37 CFR 1.47(a), detailing the events surrounding Applicants' attempts to contact Dr. Carrier for signature.
- (5) Julie Kurka is currently employed as a patent paralegal at M-I L.L.C. Attached as Exhibit 4 (with Exhibits A-C) is the Declaration of Julie Kurka in Support of Petition Under 37 CFR 1.47(a), detailing the most current attempts to reach Dr. Carrier, and including evidence of deposit with the U.S. Postal Service of correspondence to Dr. Carrier.

(6) In each correspondence from Leah Bardin and Julie Kurka to Dr. Carrier, a telephone number and e-mail address were provided in the event Dr. Carrier had questions regarding the matter. Further, a DHL envelope and airbill were provided for Dr. Carrier's use in returning the declaration to M-I L.L.C. To date, no response has been received from Dr. Carrier and none of the letters sent to Dr. Carrier's last known address via DHL have been returned by DHL as undeliverable.

The end result of M-I L.L.C.'s attempts to contact Dr. Carrier, a joint inventor, was that Dr. Carrier could not be positively located to sign the declaration. Applicant thus respectfully requests acceptance of the application under 37 C.F.R. § 1.47(a).

Michelle Carrier's last known address is as follows (please see Exhibit C of Declaration of Leah Bardin):

Flat 155  
Rattray Road  
London  
SW2 1BB  
United Kingdom

Please deduct the fee required under 37 C.F.R. § 1.17(g) from M-I L.L.C.'s Deposit Account No. 13-3082, Order No. PA-00422US1. Should any additional fee deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee from, or credit any overpayment to, M-I L.L.C. Deposit Account No. 13-3082, Order No. PA-00422US1. In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

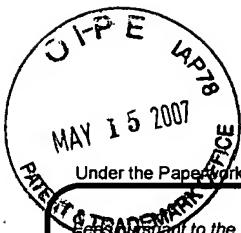
Respectfully submitted,



Kimberly D. Ballew  
Reg. No. 52,822  
M-I L.L.C.  
5950 North Course Drive  
Houston, Texas 77072  
Tel. 281 561 1454  
Fax. 281 561 1452

Date: May 15, 2007

# EXHIBIT 1



Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2007

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1700.00)

### Complete if Known

Application Number	10/517,332
Filing Date	December 9, 2004
First Named Inventor	Carrier
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	PA-00422US1

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 13-3082 Deposit Account Name: M-I L.L.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

#### 2. EXCESS CLAIM FEES

##### Fee Description

	<u>Fee (\$)</u>	<u>Small Entity</u>
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
- 20 or HP = _____	x _____	= _____		<u>Fee (\$)</u> <u>Fee (\$)</u>

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP = _____	x _____	= _____			

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition fees under 37 CFR 1.17(m) (\$1500.00) and 1.17(g) (\$200.00)

1700.00

### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 52,822	Telephone (281) 561-1454
Name (Print/Type)	Kimberly D. Ballew		Date May 15, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

RECEIVED

Carter J. White  
Legal Department  
5950 North Course Drive  
Houston, Texas 77072

JUL 03 2006

Legal Dept., I.P.

In re Application of  
CARRIER, et al.  
Serial No.: 10/517,332  
PCT No.: PCT/GB04/02863  
Int. Filing Date: 22 July 2004  
Priority Date: 12 August 2003  
Atty Docket No.: PA-00422US1  
For: ELECTRICAL TREATMENT FOR OIL  
BASED DRILLING OR COMPLETION  
FLUIDS

DECISION ON PETITION  
UNDER 37 CFR 1.47(a)

DOCKETED

Int: 15 DT \_\_\_\_\_

Action: ABD Date: 8-28-06  
Petition (8-1-06)

This decision is issued in response to applicant's "Petition under Rule 37 CFR 1.47(a) for Acceptance of Application Where Joint Inventor Cannot Be Located to Join in Application for Patent" filed 12 April 2006 to accept the application without the signature of joint inventor, Michelle Bridget Carrier.

BACKGROUND

On 22 July 2004, applicant filed international application PCT/GB04/02863 which claimed priority to a previous application filed 12 August 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 12 February 2006.

On 09 December 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; a preliminary amendment; and an Information Disclosure Statement.

On 07 June 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed.

On 12 April 2006, applicant filed the present petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventor Michelle Bridget Carrier.

## DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1), (3) and (4).

Applicant states in the present petition that Michelle Bridget Carrier is unavailable to execute the application, however, it appears by the evidence presented that Michelle Bridget Carrier has refused to execute the application. Section 409.03(d) of the MPEP, **Proof of Unavailability or Refusal**, states, in part:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner provided sufficient information that a bona fide attempt was made to present a copy of the application papers to the nonsigning inventor, however, the petition and accompanying papers does not provide first hand knowledge that the nonsigning inventor has refused to execute the declaration and application. The statements made with regards to the efforts to reach Michelle Bridget Carrier constitutes secondhand knowledge,

in that the actions to which petitioner is averring to were conducted by Leah S. Bardin. Lastly, did petitioner or Ms. Bardin receive confirmation via DHL delivery certificate that Michelle Bridget Carrier received the application papers?

As stated above, where a refusal of the inventor to sign the application papers is alleged, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers (specification, claims, and drawings) were sent to Michelle Bridget Carrier, and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

In light of the above, it is not possible to grant applicant's petition at this time.

### CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a). Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3298  
Fax: (571) 273-0459

# EXHIBIT 2

RESEARCH AGREEMENT

Between

MI LLC

and

SCHLUMBERGER CAMBRIDGE RESEARCH LIMITED

PL/HW

THIS AGREEMENT is made effective as of the first day of January 2000.

Between:

(1) MI LLC, having an office at 5950 North Course Drive (77072), P.O. Box 721110, Houston, Texas 77272 U.S.A

on behalf of itself and its Affiliates ("MI")

and

(2) Schlumberger Cambridge Research Limited, of High Cross, Madingley Road, Cambridge CB3 0EL England, on behalf of itself and its Affiliates ("SCR").

WHEREAS:

MI is a leading supplier of drilling fluids related compositions, equipment and services;

SCR is a Research Laboratory of the Schlumberger Oilfield Services Group, comprised of SCR Affiliates, having scientific expertise in broad areas of oilfield services related technologies including, as a part thereof, expertise in drilling fluid chemistry and processes;

MI has acquired and merged the drilling fluid related business and engineering groups of Schlumberger Oilfield Service Group, and desires to take the place of those groups as sponsor and beneficiary of SCR's research work; and

SCR desires to continue research work in the field of drilling fluid chemistry and processes on behalf of MI

MI desires that SCR continue its research work in the field of drilling fluid chemistry and processes on behalf of MI and SCR desires to continue such a research work.

IT IS HEREBY AGREED THAT:

## 1 DEFINITIONS

In this Agreement:

1.1 "Confidential Information" shall mean any information disclosed by one party to the other and/or its affiliates, including any software in either source or object code, computer program, algorithms, technical, proprietary, engineering, operational information, specimen, processes, apparatus, equipment, formulae, proprietary knowledge, know-how, data and specifications whether patented or not, but excluding information that:

- (a) is in the public domain at the time of disclosure; or
- (b) enters the public domain after disclosure to a Party, and not as the result of breach by such Party under this Agreement; or

- (c) is in the possession of a recipient Party prior to disclosure to it, and was not then subject to an obligation of confidence to the disclosing Party; or
- (d) is disclosed to a Party by a third person without any breach of an obligation of confidence; or
- (e) is independently created by the recipient Party as a result of work carried out by an employee to whom no disclosure of the relevant Confidential Information has been made.

Any information which is specific and has been disclosed in confidence shall not be deemed to come within any of the foregoing exceptions merely because such specific information is embraced by general disclosures in the public domain; nor shall a combination of two or more features included within such Confidential Information be deemed to be within any of such foregoing exceptions merely because one or more of such features individually come within any of such exceptions.

- 1.2 "Intellectual Property" means patents, registered and unregistered designs, registered and unregistered trade marks, design rights, topography and mask rights, copyrights (including the copyright on software in any code), know-how and trade secrets, rights in inventions, discoveries, improvements as well as applications for any such rights and any rights of a similar or equivalent nature which arise in any jurisdiction.
- 1.3 "Background Intellectual Property" means any Intellectual Property owned by or at the free disposal of the parties and not generated in the performance of the Research Project.
- 1.4 "Results" means all results and information generated by SCR pursuant to and during the term of this Agreement.
- 1.5 "Research Projects" means scientific projects undertaken by SCR and either relating directly to drilling fluid technology or having a beneficial impact on Drilling Fluid Technology.
- 1.6 "Drilling Fluid Technology" means compositions, additives, formulations, processes and impact of fluids circulated through the drillstring and the annulus of the wellbore during drilling.
- 1.7 "Affiliate" means any business entity that is owned or controlled by a Party, that owns or controls a Party, or that is owned or controlled by a business entity owning or controlling a Party. Direct or indirect ownership of more than fifty percent of the voting stock ordinarily entitled to vote in the election of directors of a business entity or, if no such stock is issued, of more than fifty percent of the ownership interest in the business entity, shall constitute ownership thereof.

## 2 RESEARCH PROJECTS

### 2.1

2.2

2.3

**3 REPORTING**

3.1

3.2

3.3

**4 FUNDING**

4.1

**5 OWNERSHIP AND EXPLOITATION OF INTELLECTUAL PROPERTY**

5.1 For the avoidance of doubt all Background Intellectual Property used in connection with the Research Projects shall remain the property of the party introducing the same.

5.2 Due to the nature of the research work performed by SCR which encompasses drilling fluids technology and other oilfield services technologies as well as integrated approaches combining drilling fluids components with other components, it is the understanding of the parties that the Results of the Research Project may not be easily identifiable as purely drilling fluid technology, and may not be readily assignable to one of the parties or its affiliated companies. The parties therefore

agree that, in the first instance and prior to any other agreement between the parties, all Results and all rights therein shall be owned by SCR and its affiliated companies.

5.3 In case certain Results are solely applicable to Drilling Fluid Technology, MI shall have the right to request a transfer of ownership of such Results and all rights thereof from SCR or its affiliated companies, as the case may be, to MI. Upon such request, SCR or its affiliated companies shall transfer and assign the ownership to MI without undue delay, at the cost of MI. This transfer shall be irrevocable, royalty-free, worldwide and perpetual, and SCR and its Affiliates shall retain a non-exclusive, royalty-free, worldwide and perpetual license to use such Results in their normal course of business, without the right to transfer said rights to a third party.

5.4

5.5

5.6

5.7 The costs of obtaining intellectual property registration, such as patents, shall be borne by MI for Drilling Fluids Technology under section 5.3;

5.8

5.9

**6 TERMINATION**

6.1.

6.2.

6.3.

**7 INDEPENDENT CONTRACTOR**

7.1

**8 DISCLAIMER AND INDEMNITY**

8.1

8.2

8.3

8.4

8.5

**9        ASSIGNMENT**

9.1

**10      FORCE MAJEURE**

10.1

**11      WHOLE AGREEMENT, INTEGRATION, AND LAW**

11.1

11.2

11.3

11.4

PL/ff

## 12 SURVIVAL OF RIGHTS ON EXPIRY OR TERMINATION

12.1 The following sections of this Agreement are expressly intended by the parties to survive the expiry or termination of this Agreement: section 3.3, article 5 and article 8.

*mfh*  
SIGNED on behalf of MI

Monica Norman  
Monica Norman  
Vice President, Technology

*PGH*  
SIGNED on behalf of SCR

Mike Sheppard  
Mike Sheppard  
Schlumberger Fellow & Managing Director

# EXHIBIT 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
CARRIER et al

Serial No.: 10/517,332

PCT Serial No.: PCT/GB04/02863

For: ELECTRICAL TREATMENT FOR OIL-BASED  
DRILLING OR COMPLETION FLUIDS

International Filing Date: 2 July 2004

Priority Date: 12 August 2003

Atty. Dkt. No.: PA-00422US1

Examiner: Anthony Smith

**DECLARATION OF LEAH BARDIN  
IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(A)**

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Leah Bardin, hereby declare the following:

1. I was employed as the patent paralegal of M-I L.L.C. at the time of the following occurrences.
2. On February 18, 2005, I sent an email to Ms. Anna Bruce, a paralegal at SCRL, requesting the last known address for Dr. Carrier.
3. On February 21, 2005, I received the last known address for Dr. Carrier from Ms. Bruce via electronic mail as: 3 Ainsworth Court, Cambridge CB1 2PA, United Kingdom (Exhibit A).
4. On August 8, 2005, I sent a letter and a copy of the application and Preliminary Amendment along with the declaration to Dr. Carrier via DHL to obtain her necessary signature on the declaration. *See* August 8 Letter to Dr. Carrier labeled Exhibit B.
5. On September 28, 2005, I received an electronic mail communication from Dr. Carrier providing a new address as: Flat 1, 55 Rattray Road, London SW2 1BB, United Kingdom (the "New Address"). *See* September 28 E-Mail labeled Exhibit C.

6. I then sent another letter, copy of the application, copy of the Preliminary Amendment and declaration to Dr. Carrier via DHL to the New Address on October 14, 2005 asking her to sign and return the declaration. *See October 14 Letter to Dr. Carrier labeled Exhibit D.*

7. I received no response back from Dr. Carrier regarding the October 14, 2005 letter by March 12, 2006, I sent yet another letter, copy of the application, copy of the Preliminary Amendment and declaration to Dr. Carrier via DHL to the New Address asking her to sign and return the declaration. *See March 12 Letter to Dr. Carrier labeled Exhibit E.*

8. I have not received any return packages nor have I received any confirmations of delivery regarding any of the above mentioned DHL packages I sent.

9. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10-2-06  
Date

  
Leah Bardin

# EXHIBIT A

**Bardin, Leah**

---

**From:** Anna Bruce [bruce@cambridge.oilfield.slb.com]  
**Sent:** Monday, February 21, 2005 3:47 AM  
**To:** Bardin, Leah  
**Subject:** RE: Your ref PA-00422VE - our ref 57.0551 VE NP

Leah,

The last known address is:

Inventor: Michelle Bridget CARRIER  
Citizenship: Australia  
Address: 3 Ainsworth Court, Cambridge CB1 2PA, United Kingdom

Regards,

Anna

At 11:04 18/02/2005 -0600, you wrote:

Thanks so much Anna!

One more thing, do you happen to have the latest address of record for Dr. Carrier???

# EXHIBIT B

Writer's Direct Dial:  
281-561-1451  
[Lbardin@miswaco.com](mailto:Lbardin@miswaco.com)

Via DHL

August 8, 2005

Dr. Michelle B. Carrier  
3 Ainsworth Court  
Cambridge CB1 2PA  
United Kingdom

Re: *U.S. Patent Application Serial Number: 10/517,332 Corresponding to PCT International Application Number: PCT/GB04/02863 Filed: July 22, 2004 July 2, 2004*  
*Entitled: Electrical Treatment for Oil-Based Drilling or Completion Fluids*  
*Our Ref: PA-00422US1*

Dear Dr. Carrier:

We write you regarding a patent application in which you are listed as an inventor along with Gerald Henry Meeten, that was filed when you were employed with Schlumberger (a copy of your employment agreement is enclosed). The parent application was filed in Great Britain on August 12, 2003 and a year later the PCT application was filed on July 2, 2004. We have now entered the U.S. national stage of the PCT application. Enclosed please find a copy of the patent application as filed along with an Inventors Declaration and a copy of the Preliminary Amendment filed as well. [Would you] please review these documents and sign and date the enclosed Declaration? The documents should be returned to us in the enclosed DHL envelope at your earliest convenience.

Should you have any questions regarding this matter, please do not hesitate to contact me or Kimberly D. Ballew at 713-561-1454 or at [kballew@miswaco.com](mailto:kballew@miswaco.com). Thank you for your assistance with this matter.

Kind regards,

  
Leah S. Bardin  
Patent Paralegal

Encl.

cc: Carter J. White, Ph.D.  
Kimberly D. Ballew, Esq.  
Akram Mirza [Schlumberger]

# EXHIBIT C

**Bardin, Leah**

---

**From:** [REDACTED] Michelle Carrier [michellecarrier2003@yahoo.co.uk]  
**Sent:** Wednesday, September 28, 2005 3:53 PM  
**To:** Bardin, Leah  
**Subject:** Patent

Dear Ms Bardin

I have received from you a copy of the patent application for PCT application number, PCT/GB04/02863 filed July 2, 2004. based Electrical Treatment for Oil-Based Drilling or Completion Fluids.

This was sent to the wrong address and hence has an incorrect address on the inventors declaration. Please amend the document with the following address and resend it to me at:

Dr. Michelle Carrier  
Elan Technology  
55 Rattray Road  
London  
SW2 1BB

I also require a new DHL envelope to return it to you.

Yours Sincerely,

Michelle Carrier

---

To help you stay safe and secure online, we've developed the all new Yahoo! Security Centre. <http://uk.security.yahoo.com>

# EXHIBIT D

Writer's Direct Dial:  
281-561-1451  
[Lbardin@miswaco.com](mailto:Lbardin@miswaco.com)

Via DHL

October 14, 2005

Dr. Michelle B. Carrier  
Flat 1, 55 Rattray Road  
London SW2 1BB  
United Kingdom

Re: *U.S. Patent Application Serial Number: 10/517,332 Corresponding to PCT International Application Number: PCT/GB04/02863 Filed: July 2, 2004*  
*Entitled: Electrical Treatment for Oil-Based Drilling or Completion Fluids*  
*Our Ref: PA-00422US1*

*U.S. Patent application Serial Number 11/008,009 Filed: December 9, 2004,*  
*Continuation of PCT/GB04/02863 filed July 2, 2004*  
*Entitled: Electrical Treatment for Oil-Based Drilling or Completion Fluids*  
*Our Ref: PA-00422US2*

Dear Dr. Carrier:

Thank you for your email of September 28, 2005. Please find the enclosed inventor Declarations for your execution as well as the International application as filed which was filed in the above-referenced applications, and two preliminary amendments that were filed in each application also. Please sign and date both declarations and return them to me at your earliest convenience. I have also enclosed a DHL envelope and airbill for your use in returning the documents to us.

Should you have any questions regarding this matter, please do not hesitate to contact me or Kimberly D. Ballew at 713-561-1450 or at [kballew@miswaco.com](mailto:kballew@miswaco.com). Thank you for your assistance with this matter.

Kind regards,

  
Leah S. Bardin  
Patent Paralegal

Encl.

cc: Carter J. White, Ph.D.  
Kimberly D. Ballew, Esq.

# EXHIBIT E

Writer's Direct Dial:  
281-561-1451

Lbardin@miswaco.com

Via DHL

March 12, 2006

Dr. Michelle B. Carrier  
Flat 1, 55 Rattray Road  
London SW2 1BB  
United Kingdom

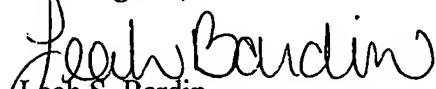
Re: *U.S. Patent Application Serial Number: 10/517,332 Corresponding to PCT International Application Number: PCT/GB04/02863 Filed: July 2, 2004*  
*Priority Date: August 12, 2003*  
*Entitled: Electrical Treatment for Oil-Based Drilling or Completion Fluids*  
*Our Ref: PA-00422US1*

Dear Dr. Carrier:

Further to my letter of October 14, 2005, please find the enclosed inventor Declaration for your execution as well as the International application and Preliminary Amendment which was filed in the above-referenced U.S. national phase of PCT application no. PCT/GB04/02863, on December 9, 2004. Please sign and date in the appropriate place and return to me at your earliest convenience. I have also enclosed a DHL envelope and airbill for your use in returning the document to us.

Should you have any questions regarding this matter, please do not hesitate to contact me or Kimberly D. Ballew at 713-561-1450 or at [kballew@miswaco.com](mailto:kballew@miswaco.com). Thank you for your assistance with this matter.

Kind regards,

  
Leah S. Bardin  
Patent Paralegal

Encl.

cc: Carter J. White, Ph.D.  
Kimberly D. Ballew, Esq.

# EXHIBIT 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Carrier et al

Serial No.: 10/517,332

PCT Serial No.: PCT/GB04/02863

For: ELECTRICAL TREATMENT FOR OIL-BASED DRILLING OR COMPLETION FLUIDS

International Filing Date: 2 July 2004

Priority Date: 12 August 2003

Atty. Dkt. No.: PA-00422US1

Examiner: Unknown

**DECLARATION OF JULIE KUKRA  
IN SUPPORT OF PETITION UNDER 37 C.F.R. § 1.47(A)**

Mail Stop Petitions  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Julie Kurka, hereby declare the following:

1. I am currently employed as the patent paralegal of M-I L.L.C.
2. On May 1, 2007, I sent a letter and a copy of the application and Preliminary Amendment along with the declaration to Dr. Carrier via DHL to obtain her signature on the declaration (see May 1 letter to Dr. Carrier labeled Exhibit A).
3. I deposited the letter of May 1, 2007 at the mail room at M-I L.L.C., who provided a DHL receipt, attached as Exhibit B. This receipt indicates the documents were sent via DHL Waybill No. 9129323943 on May 1, 2007. It also lists the Attorney Docket Number for the subject application, PA-00422US1.
4. DHL's online tracking printout for Waybill No. 9129323943 is attached as Exhibit C. This printout indicates it was delivered and signed for on May 3, 2007
5. I received no response from Dr. Carrier regarding the May 1, 2007 letter, as of May 15, 2007.

6. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 15, 2007  
Date

Julie Kurka  
Julie Kurka

# EXHIBIT A



M-I LLC

5950 North Course · Houston, Texas 77072  
Tel: 281-561-1300 · Fax: 281-561-1452 · [www.miswaco.com](http://www.miswaco.com)

Writer's Direct Dial:  
(281)-561-1451  
[jkurka@miswaco.com](mailto:jkurka@miswaco.com)

**Via DHL**

May 1, 2007

Michelle B. Carrier  
Flat 1, 55 Rattray Road  
London SW2 1BB  
United Kingdom

Re: U.S. Patent Application No. 10/517,332 Corresponding to International Application No. PCT/GB04/02863 entitled "Electrical Treatment for Oil-Based Drilling or Completion Fluids"  
Our Ref: PA-00422US1

Dear Dr. Carrier:

This letter is following up on our previous correspondence to you relating to the above-referenced U.S. patent application.

This patent application was filed when you were employed at Schlumberger, listing you as a co-inventor along with Gerald Henry Meeten. The U.S. Patent and Trademark Office requires a signature from each inventor on an Inventors' Declaration document. This document declares that you have read the corresponding patent application and that you are correctly listed as an inventor for the application.

Enclosed please find an additional copy of the patent application as filed, along with the Inventors' Declaration mentioned above. **Please review these documents and sign and date the enclosed Declaration where indicated below your name. Then please return the signed Declaration to me in the enclosed DHL envelope as soon as possible.**

Should you have any questions, please contact me or Kimberly D. Ballew at (713) 561-1454 or at [kballew@miswaco.com](mailto:kballew@miswaco.com). Thank you in advance for your prompt response to this matter.

Very truly yours,

Julie Kurka  
Patent Paralegal

Enclosure

cc: Carter J. White  
Kimberly D. Ballew  
Akram Mirza [Schlumberger]

# EXHIBIT B

Please complete this form, sign below  
and check box if copy requested. XX:

## Mailing Instructions

### 1. To be filled out by sender

Mail to:	From:		
Company	Date of Request:	Required Arrival Date:	
Attention: <b>Michelle B. Carrier</b>	Telephone Number:	5/1/07	5/2/07
Street Address: <b>Flat 1</b>	Sender's Name:	Telephone Number:	
55 Rattray Road London SW2 1BB	Julie Kurka	281-561-1451	
City, State, Zip Code	Department:	Cost Center No:	Mail Code:
Country: <b>United Kingdom</b>	Patents	645300-8000-500	3700
Item Qty	Description of Matl Mailed	\$ Value	Service: INTERNATIONAL
1 1	Documents	0	<input type="checkbox"/> Federal Pri
	PA-00422US1		<input type="checkbox"/> FedEx Sta
			<input type="checkbox"/> FedEx Economy Two-Day
			<input type="checkbox"/> DHL
			<input type="checkbox"/> Express Mail
			<input type="checkbox"/> Priority Mail
			<input type="checkbox"/> Special Courier
			<input type="checkbox"/> Other
			<input type="checkbox"/> Certified
			<input type="checkbox"/> Registered
			<input type="checkbox"/> Insured
SPECIAL INSTRUCTIONS			
Via DHL			

### 2. To be completed by receiving destination

Please complete section 2 and return to Mail Services Department		Remarks
Received by Mail Services:	Received by Customer:	
<i>Julie Kurka</i>		
Date Material Received:	Time: <i>10:00 a.m.</i>	
	<i>ش</i> a.m.	
	<i>ش</i> p.m.	
Condition of Goods (Contents)		
<i>ش</i> Good	<i>ش</i> Fair	<i>ش</i> Poor

WAYBILL NO: 9129323943  
DOCUMENT

DATE: 5/1/2007 REF: 645300-8000-500-3700  
WEIGHT: 0.60 lbs  
Charge: USD 15.15

1 OF 1

Sender be sure to sign below before sending form and material to mail services

Signature: *Julie Kurka*

# EXHIBIT C



## Track results detail

### Tracking results detail for 9129323943

► Help

#### Track

- Track by number
- Track by reference
- Get delivery signature
- Track DHL Same Day service
- Monitor shipments

#### Tracking summary

Current Status	✓ Shipment delivered.
Delivered on	5/3/2007 10:05 am
Delivered to	
Signed for by	K DOCKERTY What is this?

#### Log in to DHL

User ID	<input type="text"/>
Password	<input type="password"/>
<input type="checkbox"/> Remember my User ID	
<input style="background-image: url('log_in.gif'); width: 100px; height: 25px;" type="button" value="Log in"/>	

- Forgot your Password?

- Register
- Registration is quick and free.
- Register now

Ship From:  
M-I L.L.C.  
Houston, TX 77072  
United States

Ship To:  
London, United Kingdom

Attention:  
M-I L.L.C.

Ship Type:  
500-3700

Shipment Information:  
Service: Express  
Special Service:

Shipment Reference: 6453000-8000-  
500-3700

Ship date: 5/1/2007  
Pieces: 1  
Total weight: \*

Contact Us | Sitemap

DHL USA Home

DHL Global

<input type="button" value="Ship"/>	<input type="button" value="Track"/>	<input type="button" value="Services"/>	<input type="button" value="About DHL"/>	<input type="button" value="Help"/>
-------------------------------------	--------------------------------------	---	--	-------------------------------------

Tracking detail provided by DHL: 5/14/2007, 4:08:13 pm pt.

Description: DOCUMENTS

[Track new shipment](#) ▶

You are authorized to use DHL tracking systems solely to track shipments tendered by or for you to DHL. Any other use of DHL tracking systems and information is strictly prohibited.

\* **Note on weight:**

The weights displayed on this website are the weights provided when the shipment was created. Actual chargeable weights may be different and will be provided on the invoice.

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